

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

GREGORY CUNNINGHAM

CRIMINAL CASE NO.

1:10-CR-511-WSD

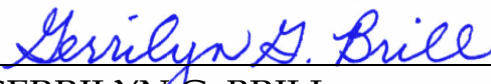
REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY¹

The defendant, GREGORY CUNNINGHAM (“Defendant”), by consent, has appeared before me and has entered a plea of guilty to COUNT ONE (1) of the indictment. After cautioning and examining the defendant under oath concerning each of the subjects mentioned in Rule 11, I have determined that the guilty plea was knowing and voluntary, and that the plea to the offense charged is supported by an independent basis in fact establishing each of the essential elements of such offense. I have also determined that the defendant has voluntarily and expressly waived his right to appeal the conviction and sentence and the right to collaterally attack his sentence in any post-conviction proceedings, including a §2255 proceeding, on any ground, except that the defendant may file a direct appeal of a sentence higher than

¹ Failure to file written objections to this Report and Recommendation within *FOURTEEN (14) DAYS* after service of a copy of this Report and Recommendation shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

the otherwise applicable advisory sentencing guideline range, or, if the Government appeals the sentence imposed, Defendant may also file a direct appeal of his sentence. I, therefore, **RECOMMEND** that the plea of guilty be accepted and that the defendant be adjudged guilty and have sentence imposed accordingly.

SO ORDERED this 8th day of February, 2011.



GERRILYN G. BRILL
UNITED STATES MAGISTRATE JUDGE